

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Application TA-32)
for a Permit to Transfer Ground)
Water from Nebraska to Wyoming.)

ORDER GRANTING PERMIT

This matter came on for consideration before the Director of the Department of Natural Resources (Department) pursuant to Neb. Rev. Stat. § 46-613.01 (Reissue 2004).

The Department has reviewed Application TA-32, an application for a permit to transfer ground water to an adjoining state filed by Clarence David Hergert, and determined that the withdrawal and transportation of ground water meets all necessary requirements and that a permit may be granted pursuant to Neb. Rev. Stat. § 46-613.01 (Reissue 2004).

It is therefore ORDERED that TA-32 be APPROVED with the following conditions:

1. The priority date shall be June 7, 2004.
2. The operation of well G-126300 shall be bound by all rules and regulations of the Upper Niobrara White Natural Resources District, and such future allocations or other controls required to comply with any interstate or other cooperative agreements.
3. The Applicant shall provide access to the property described herein at reasonable times for purposes of inspection by officials of the Upper Niobrara White Natural Resources District or of the Department.
4. The Applicant may withdraw ground water from well G-126300, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 28 North, Range 58 West of the 6th P.M. in Sioux County, Nebraska, and transport the water for the irrigation of 60 acres located in the E $\frac{1}{2}$ of Section 10, Township 28 North, Range 60 West of the 6th P.M. in Goshen County, Wyoming. The rate of withdrawal from well G-126300 shall not exceed 60 acre-feet (19,551,060 gallons) per year nor exceed a maximum daily withdrawal of 76,000 gallons.
5. The Applicant shall properly register any replacement water well constructed for the purpose of withdrawal of ground water under permit TA-32, pursuant to the requirements of Neb. Rev. Stat. § 46-602(1) (Reissue 2004).

6. By January 31 of each year, the Applicant shall file in the office of the Department a completed "Water Transfer Ground Water Well Report" on a form provided by the Department.
7. Failure to meet any of the conditions of this Approval may cause modification or revocation of the permit.

DEPARTMENT OF NATURAL RESOURCES

September 21, 2006

Ann Bleed, Acting Director

A copy of this Order granting Permit TA-32 was mailed on September ____, 2006, to the Department's field office in Bridgeport, Nebraska, and to the following:

Clarence David Hergert
1424 Avenue B
Scottsbluff, Nebraska 69361

Donna J. Dufek
607 Newberry Street
Alliance, Nebraska 69301

Roberta Johnson
811 Emerson Avenue
Alliance, Nebraska 69301

Kermit E. Knapp
1921 CR 65
Alliance, Nebraska 69301

J. Adam Edmund
Skavdahl and Edmund Law Office
P.O. Box 156
Harrison, Nebraska 69346

Lyndon Vogt, Manager
Upper Niobrara White Natural Resources District
430 East Second Street
Chadron, Nebraska 69337